

SENATE MOTION

MR. PRESIDENT:

I move that Engrossed House Bill 1407 be amended to read as follows:

- 1 Page 4, between lines 1 and 2, begin a new paragraph and insert:
2 "SECTION 4. IC 16-39-9-3 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) A provider may
4 collect a charge of twenty-five cents (\$0.25) per page for making and
5 providing copies of medical records. If the provider collects a ~~retrieval~~
6 **clerical** charge under subsection (b), the provider may not charge for
7 making and providing copies of the first ten (10) pages of a medical
8 record under this subsection.
9 (b) A provider may collect a fifteen dollar (\$15) ~~retrieval~~ **clerical**
10 charge in addition to the per page charge collected under subsection
11 (a).
12 (c) A provider may collect actual postage costs in addition to the
13 charges collected under subsections (a) and (b).
14 (d) If the person requesting the copies requests that the copies be
15 provided within two (2) working days, and the provider provides the
16 copies within two (2) working days, the provider may collect a fee of
17 ten dollars (\$10) in addition to the charges collected under subsections
18 (a) through (c).
19 SECTION 2. IC 16-39-9-4 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) As used in this
21 section, "department" refers to the department of insurance created by
22 IC 27-1-1-1.
23 (b) Notwithstanding sections 1 and 2 of this chapter, the department
24 may adopt rules under IC 4-22-2 to adjust the amounts that may be
25 charged for copying records under this chapter. In adopting rules under
26 this section, the department shall consider the following factors relating
27 to the costs of copying medical records:
28 (1) The following labor costs:
29 (A) Verification of requests.
30 (B) Logging requests.
31 (C) ~~Retrieval~~ **Clerical**.

- 1 (D) Copying.
- 2 (E) Refiling.
- 3 (2) Software costs for logging requests.
- 4 (3) Expense costs for copying.
- 5 (4) Capital costs for copying.
- 6 (5) Billing and bad debt expenses.
- 7 (6) Space costs."

8 Page 61, between lines 8 and 9, begin a new paragraph and insert:
 9 "SECTION 58. IC 27-8-5.7-9 IS ADDED TO THE INDIANA
 10 CODE AS A NEW SECTION TO READ AS FOLLOWS
 11 [EFFECTIVE UPON PASSAGE]: **Sec. 9. (a) Beginning on the**
 12 **effective date of the date referred to in Section 262 of the federal**
 13 **Health Insurance Portability and Accountability Act (42 U.S.C.**
 14 **1320d-4), an insurer may request from the commissioner appointed**
 15 **under IC 27-1-1-2 a waiver from the requirements of this chapter**
 16 **that apply to claims filed on paper.**

17 (b) The commissioner may grant a waiver under this section if,
 18 not more than six (6) months after the effective date described in
 19 subsection (a), the requesting insurer experiences an increase of the
 20 lesser of:

- 21 (1) ten thousand (10,000); or
- 22 (2) at least twenty percent (20%);
- 23 in the volume of claims filed on paper.

24 (c) A waiver granted under this section is effective for a set
 25 period determined by the commissioner.

26 (d) This section expires December 31, 2005."

27 Page 81, between lines 27 and 28, begin a new paragraph and insert:
 28 "SECTION 83. IC 27-13-36.2-7 IS ADDED TO THE INDIANA
 29 CODE AS A NEW SECTION TO READ AS FOLLOWS
 30 [EFFECTIVE UPON PASSAGE]: **Sec. 7. (a) Beginning on the**
 31 **effective date of the date referred to in Section 262 of the federal**
 32 **Health Insurance Portability and Accountability Act (42 U.S.C.**
 33 **1320d-4), a health maintenance organization may request from the**
 34 **insurance commissioner appointed under IC 27-1-1-2 a waiver**
 35 **from the requirements of this chapter that apply to claims filed on**
 36 **paper.**

37 (b) The commissioner may grant a waiver under this section if,
 38 not more than six (6) months after the effective date described in
 39 subsection (a), the requesting health maintenance organization
 40 experiences an increase of the lesser of:

- 41 (1) ten thousand (10,000); or
- 42 (2) at least twenty percent (20%);
- 43 in the volume of claims filed on paper.

44 (c) A waiver granted under this section is effective for a set
 45 period determined by the commissioner.

46 (d) This section expires December 31, 2005."

47 Renumber all SECTIONS consecutively.

(Reference is to EHB 1407 as printed April 1, 2003.)

Senator MILLER